

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.CMA.No.1365 OF 2009

JUDGMENT:

The present appeal is preferred seeking to enhance the compensation on the ground that the amount of Rs.1,25,000/- granted by order and decree, dated 22.11.2006, in O.P.No.749 of 2004 on the file of Chairman, Motor Accidents Claims Tribunal – cum – Principal District Judge, Nellore, as against the claim of Rs.3,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988, was on lower side, as appellant Nos.1 and 2 have been put to lot of mental agony on account of death of their son 'Jayaramulu', at the age of 14 years prosecuting 9th Class, in a road accident.

2. There is no dispute between the parties about the manner in which the accident had taken place.

3. Heard Sri C. Buchi Reddy, learned counsel for the appellants, and Sri R. Ventak Rao, learned counsel for respondent No.2 – Insurance Company. Though, service was completed on respondent No.1, none appears for him.

4. Learned counsel for the appellants has placed reliance on various judgments of the Honourable Supreme Court and the judgment of this Court rendered by a learned Single Judge in **National Insurance Company Limited, represented by its Branch**

Manager, Tirupathi v. P.R. Subramanyam and others¹, wherein, in a similar situation, when the death of a boy did occur at the age of ‘10’, this Court has awarded a sum of Rs.1,80,000/- as compensation. There is no need to discuss anything more, except following the said decision and to grant Rs.1,80,000/- as against Rs.1,25,000/- granted by the Tribunal.

5. So far as interest is concerned, the Tribunal has granted the same at 7.5% per annum, which is in tune with the interest at 7.5% per annum awarded by the Honourable Supreme Court in **Rajesh and others v. Rajbir Singh and others**². The same is maintained on the enhanced amount also.

6. The enhanced amount shall be apportioned among the appellants in the same proportion in which the original compensation amount was directed to be apportioned and disbursed by the Tribunal.

7. Accordingly, the appeal is allowed in part enhancing the compensation from Rs.1,25,000/- to Rs.1,80,000/- with interest at 7.5% per annum from the date of petition till realisation. Miscellaneous Petitions, if any, pending in this appeal, shall stand closed. There shall be no order as to costs.

A. SHANKAR NARAYANA, J

September 01, 2016.
MD

¹ 2015 (2) ALT 575

² (2013) 9 SCC 54